

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 23, 2001

DIVISION TWO

B134590 People (Not for Publication)
v.
Marciano

The judgment of conviction on counts 1 through 4 is reversed. The judgment is modified to stay execution of the theft sentences imposed on counts 6, 10, 12 and 14 pending completion of the burglary sentences imposed on counts 5, 9, 11 and 13, at which time the stays shall become permanent. The judgment is also modified to strike the enhancement imposed on the burglary prior under section 667(a). In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

B135382 Bennett, Jr., et al. (Not for Publication)
v.
Regents of the University of California et al.

The judgment is reversed. Defendants to bear costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION TWO (Continued)

B131976 Lance Camper Mfg. Corp. (Certified for Partial Publication)
 v.
 Republic Indemnity Company of America

The trial court's award of costs to Lance Camper is modified to include court reporter fees (\$4,483.60). In all other respects, the judgment is affirmed. Lance Camper is entitled to costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION THREE

B141283 The Bubion Family Trust (Not for Publication)
 v.
 Bubion

The judgment is affirmed. Respondents shall recover their costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B140485 People (Not for Publication)
 v.
 Calderon

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

July 23, 2001-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B135538 Lightstone (Not for Publication)
v.
Lightstone

The order is affirmed insofar as it denied Monika's request to modify or vacate the judgment based on fraud, and is reversed insofar as it grants Richard's request to modify support. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B146943 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Catherine J.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B145661 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Anthony T.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B146447 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gary A.

The order terminating jurisdiction and appointing guardians of the minors is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B143452 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Mechele T.

The discovery orders filed July 20, 2000 and August 16, 2000, are affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B082512 Saks (Certified for Publication)
v.
Charity Mission Baptist Church

The judgment in favor of respondent Lawrence Saks, M.D., and against appellant Charity Mission Baptist Church is reversed. The Church is awarded its costs on appeal.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION SIX

B142646 People
v.
Smith

The petition for rehearing is denied.

B126854 People (Not for Publication)
v.
Garcia et al.

The judgment as to Rey is modified to award Rey 220 days of presentence custody credits, consisting of 191 days of actual custody credits and 29 days of conduct credits. The trial court is directed to amend the abstract of judgment and transmit a certified copy to the Department of Corrections. In all other respects, the judgments are affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

July 23, 2001-Continued

DIVISION SIX (Continued)

B143627 People (Not for Publication)
v.
Brady

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B148638 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Gilbert, P.J.
Coffee, J.

B147227 People (Not for Publication)
v.
Pettet

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B138840 Marik (Not for Publication)
v.
Moest et al.

The judgment is reversed. The trial court is directed to vacate its order sustaining, without leave to amend, the demurrer to the claims for constructive fraud and rescission and enter a new and different order sustaining the demurrer to the rescission claim with leave to amend, and overruling the demurrer with respect to the remaining causes of action in the first amended complaint. The trial court is further directed to vacate the order entering summary judgment and to make a new and different order denying summary judgment. Each side to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Boland, J. (Assigned)

B144078 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Kelly B.
In re Mariah W. and Joseph B.,
Persons Coming Under the Juvenile Court Law.

The matter is remanded to the juvenile court for modification as follows: the court is ordered to vacate and strike the finding in its order that Mariah W. and Joseph B. are persons described by Welfare and Institutions Code section 300, subdivision (g). The juvenile court's order is affirmed in all others respects.

Woods, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B138903 C.E.C. Electric Co., Inc. (Not for Publication)

v.

National Union Fire Ins. Co. of Pittsburgh, PA et al.

The summary judgment is reversed and the cause is remanded to the trial court with directions to vacate its order granting summary judgment and to enter an order denying the motion for summary judgment. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

B145732 Department of Children and Family (Not for Publication)

Services, Los Angeles County

v.

Deliaashawn H.

In re Deshawn H. et al., Persons coming under the juvenile Court Law

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B146265 Kim et al. (Not for Publication)

v.

America OnLine, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

July 23, 2001-Continued

DIVISION SEVEN (Continued)

B133503 Lieberman (Not for Publication)

V.

Little Company of Mary Hospital et al.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.

Boland, J. (Assigned)

B142921 People (Not for Publication)

V.

Gary Don Peoples

The judgment is reversed and remanded for a new trial.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.

B142742 People (Not for Publication)

V.

Eddie B. Richmond

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.

July 23, 2001-Continued

DIVISION SEVEN (Continued)

B144992 People (Not for Publication)
v.
Aaron W. Batchelor

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

B143815 C.C. Chambers et al. (Not for Publication)
v.
Los Angeles County et al.

The judgment is affirmed. The County is entitled to recover its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

B144335 Apartment Association of Greater Los Angeles et al.
v.
City of Los Angeles (Certified for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)